

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LUIS RAMON RAMIREZ,

Petitioner,

v.

No. 21-cv-979-KWR-KRS

ATTORNEY GENERAL FOR
THE STATE OF NEW MEXICO,

Respondent.

ORDER TO ANSWER

This matter is before the Court on Petitioner Luis Ramirez's 28 U.S.C. § 2254 Habeas Corpus Petition (Doc. 1) (Petition). Petitioner challenges his state convictions based on, inter alia, sufficiency of the evidence and ineffective assistance of counsel. Having reviewed the claims pursuant to Habeas Corpus Rule 4, the Court will order an answer.

IT IS ORDERED that the Clerk forward copies of this Order and the Petition (Doc. 1) to Respondent Attorney General of the State of New Mexico (AG) at the following address:

Attention F.N.
Paralegal - Habeas Corpus Administrator
New Mexico Office of the Attorney General
Criminal Appeals Division
201 Third St. NW, Suite 300, Albuquerque, NM 87102

It is **FURTHER ORDERED** that the AG must answer the Petition within **30 days** of entry of this Order. The AG's answer must address the merits of each claim and whether the Petitioner has exhausted his state court remedies. If the Petition is mixed, and contains both exhausted and unexhausted claims, the AG should take a position on how to proceed (*i.e.* stay the case while Petitioner exhausts all claims, overlook exhaustion and dismiss on the merits, delete the

unexhausted claims, etc). The AG must attach to their answer copies of any filing pertinent to the issue of exhaustion that was filed by Petitioner in the sentencing court, the state district court, the state court of appeals, and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those filings. The AG must also attach to the answer copies of all state court post-conviction or appellate proceedings. The answer must describe the procedural history of each claim the AG contends is unexhausted and identify the State procedures that are currently available to Petitioner.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, slightly slanted style.

KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE